

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**RONALD CUNAGIN, as father and
next friend of J.C., an infant,**

Plaintiff,

v.

Case No. 3:19-cv-00250

**CABELL HUNTINGTON HOSPITAL, INC.,
a West Virginia corporation,**

Defendant.

MEMORANDUM OPINION AND ORDER
SEALING RESPONSE AND EXHIBITS

Pending before the Court is Plaintiff's Motion to File Referenced Exhibits and Plaintiff's Response to Defendant's Motion and Memorandum of Law in Support of Motion for Protective Order under Seal. (ECF No. 158). The Court notes that the attached Response and exhibits contains confidential information, including protected health information. Due to the confidential nature of the information contained in the response and attached exhibits, this Court **GRANTS** Plaintiff's motion to seal and **ORDERS** the Clerk to seal Plaintiff's Response and attached exhibits. (ECF Nos. 158-1 through 158-13). The Motion itself, (ECF No. 158 at 1-4), should not be sealed.

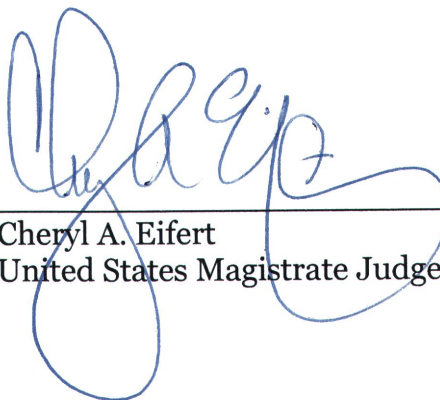
The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the

request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the response and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the response and attached exhibits does not unduly prejudice the public's right to access court documents.

Also pending are Plaintiff's Motion to File Response out of Time to Defendant's Motion for Protective Order, (ECF No. 156), and Plaintiff's Motion to Exceed Page Limit, (ECF No. 157). Having reviewed the motions, and for good cause shown, the Court **GRANTS** these motions. It is so **ORDERED**.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: March 30, 2021



Cheryl A. Eifert
United States Magistrate Judge